

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

DEBORAH CLARK and EDDIE CLARK,)
Plaintiff,) No. 4:15-CV-00046
v.)
JUDGE HARRY S. MATICE, JR.
STATE FARM MUTUAL INSURANCE) MAGISTRATE JUDGE SUSAN K.
COMPANY,) LEE
Defendant.) JURY DEMAND

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant State Farm Mutual Automobile Insurance Company (“State Farm”), incorrectly identified in the Complaint as State Farm Mutual Insurance Company, by and through counsel, files this Notice of Removal of this action from the Circuit County Court in Grundy County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee Winchester Division based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about June 15, 2015, by Plaintiffs' filing of the Complaint in the Grundy County Circuit Court in Grundy County, Tennessee, Case No. 8725 (the "Complaint"). True and accurate copies of the pleadings served upon the State Farm in this action are attached as Exhibit A.

2. The Complaint was served on State Farm on or about June 19, 2015, by service upon the State of Tennessee, Department of Commerce and Insurance. The Notice of Removal

is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of breach of contract, bad faith, and breach of covenant of good faith and fair dealing, fraud, unfair and deceptive trade practices in violation of the common law and/or, in the alternative, Tennessee Consumer Protection Act. (Exhibit A, Complaint, ¶ 12). As to damages, it seeks treble damages, or in the alternative, actual damages or out-of-pocket losses, consequential, mental or emotional stress damages or compensatory damages in the amount of \$250,000 for each plaintiff and punitive damages sufficient to deter such future conduct. (Exhibit A, Complaint).

4. The Plaintiffs are citizens and residents of Tracy City, Grundy County, Tennessee. (Exhibit A, Complaint, ¶ 1).

5. State Farm is a corporate entity organized under the laws of the State of Illinois, with its principal place of business in Bloomington, Illinois.

6. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. A copy of this Notice of Removal is being served by U.S. mail on counsel for Plaintiffs, and a Notice of Filing of Notice of Removal is being filed with the Grundy County Circuit Court in Grundy County, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

8. State Farm demands a jury to try this case.

WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company, incorrectly identified in the Complaint as State Farm Mutual Insurance Company, prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Grundy County Circuit Court in Grundy County, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON

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Attorneys for Defendant State Farm Mutual
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the following counsel of record by placing postage prepaid envelope in United States Mail Service, addressed to:

Michelle M. Benjamin, Esq.
P.O. Box 177
Winchester, TN 37398

This the 16th day of July, 2015.

/s/ Bradford D. Telfeyan